

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT FOR
TN

Kevin Roberto Cantu Garcia

case no. (to be provided by clerk)

v.

UNITED STATES HOMELAND SECURITY

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MAR 04 2025

U.S. DISTRICT COURT
MIDDLE DISTRICT OF TN

Petition 28 US.C. 2241

Come now petitioner Kevin Roberto Cantu Garcia, pro se on his own behalf seeking this court to place a Hold on the United States of Homeland Security Immigration Code enforcement officers from reporting him upon the completion of his sentence. petitioner is a US citizen and has been a US citizen for 23 years. In the following BackGround and ARGument petitioner will show this court why the "ICE" Detainer shall be placed on Hold/ Dismissed. petitioner prays this court will rule in his favor. petitioner states as follows:

BACKGROUND

petitioner, Kevin Roberto Cantu Garcia Came to the United States when he was just 2 yrs old on a tourist visa and later was grant DACA and that took place after His tourist visa expired while still in the United States. petitioner Applied for permanent residency and was later given an United States Citizen Social Security Number that was legally provided. petitioner Date of Birth is June 3, 2000 and his SSN # 659 - 92 - 2492. petitioner has also been a resident of Shelby County, TN where he has resided since his entry into the US. petitioner attended Wooddale Highschool for 4 years where he graduated and was playing soccer

In that school on the wooddale soccer team and attended church as well. petitioner has been a United States citizen for 23 years in July of 2025, and has lived continuously in Shelby County, TN for exactly 17 years. On March, 6, 2020 petitioner was charged in the County of Shelby for Attempted First Degree Murder (Fourteen counts) and Employment of a Firearm which was later reduced to 12 counts of 2nd Degree Attempted Murder and was convicted of the reduced charges on July 28th, 2021 and was sentenced to serve 7.2 yrs @ 100% as a Mitigated offender and his sentence was to be served at the TN Dept of Corrections as he is held and confined and assigned TDOC # 631430 under the legal name of Kevin Roberto Cantu Garcia. petitioner has no criminal history besides the current conviction and the circumstances around conviction is one that petitioner accepts full responsibility for his actions and his poor decisions he made in choosing the wrong friends and the wrong choices while being subjected to peer pressure by those friends. At the time of this case petitioner was 19 yrs old and regrets his choices and he seeks this court to help him stay connected to his family as he lawfully retains the right to do so. As support of this petition plaintiff will argue his circumstances and his legal residency.

ARGUMENT

No family shall be separated or destroyed by any Government entity. All families shall be remained connected and the structure of family and foundation shall not be destroyed by no Government entity. Petitioner has been in this country for 23 yrs and he entered when he was just 2 yrs old on a tourist visa but that visa expired and his parents decided to remain in the United States and sought asylum by way of the DACA program. petitioner did obtain DACA and when he was older he took the US Immigration assessment and passed and was granted permanent residency into this country. Petitioner lived and attended a United States of America High School.

for which he was enrolled legally and attended and graduated, petitioner was provided a social security number which made him a U.S. citizen. Once an immigrant is assigned an U.S. SSN that gives him U.S. Residency and Makes him legal to live in the U.S. During his court hearing when entering the plea deal the trial court made erroneous statements stating that petitioner could be deported. But was told by counsel he could not because he is an legal U.S. citizen. Our country is not built on destruction or separation, we are a U.S. of Unity and for the U.S. to act otherwise shows a blatant disrespect for the hard work and blood that was shed to bring and build this great country. Here it is Kevin R. Cantu-Garcia (petitioner) has been a U.S. citizen for 23 yrs and obtained DACA and was granted permanent residency, during the time of the election the detainer for immigration and customs was lodged against petitioner. The Declaration of Independence and some of the state bills of rights contain a general assertion that all people are equal, the equality referred to is equality of protection rather than of possession. This is a matter that weighs heavily upon the petitioner and his family and fiance, petitioner made a poor choice due to being young and naïve to the fast life and actions of the U.S. society and his peers, petitioner regrets for being the driver of his own vehicle that was occupied with the other defendants in his criminal case, whom caused the petitioner to be apart of a crime. petitioner is a U.S. citizen and it is inhumane and immoral to remove him away from his family to place him in danger. Petitioner faces imminent harm and danger if he is returned to Mexico, a place he has never known as home, petitioner has lived in the U.S. for 23 years attended church and elementary school and High school and graduated both and has built a life in the U.S. For this is the only life he knows and to remove him from his life and put him in harms way is cruel and inhumane. That's like taking a fish out of the water and expecting him to survive and live on dry ground which is outside his natural habitat. This is what the U.S. custom agents "ICE" is going to do to petitioner. This court has the

power to abate this matter and petitioner seeks this court to act because it is an act of constitutional violation in the Fourteenth Amendment.

MEMORANDUM OF LAW SUPPORTING THE FACTS

After the United States Constitution was ratified in 1789, there were ten amendments added to the Constitution that form the Bill of Rights. Similarly, there is a set of three documents that form an "international Bill of Human Rights". These are the Universal Declaration of Human Rights (UDHR), together with the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. In 1965, the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD) defines "racial discrimination" as any distinction, exclusion, or other practice based on race, color, or ethnicity, or similar categorization that harms human rights. The actions that give birth and ground to this matter is one of the United States discriminating against petitioner due to his ethnicity, color and similar categorization. In 1868, Congress attempted to define citizenship of the United States for the first time. In 1868, the Fourteenth Amendment was adopted, containing substantially the same definition. It declared that "all persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside." This declaration embodies the general rule of the English common law that citizenship is determined by birth within territorial limits, without regard to nationality of the parents. As given in this petition, petitioner is a U.S. citizen and the TCE Detainer shall be dismissed. As respectfully sought,

WHEREFORE, petitioner pray that this court will agree the same and provide relief.

Respectfully Submitted

Kevin Compton X

Certificate of Service

I, attest that on this 26th day of February, 2025 I placed the foregoing in TCI IX Mail to be delivered via U.S. postal service to the Clerk of Court for the U.S. Dist. Ct. M.D. Tenn located 719 Church St, Nashville, TN 37203

Respectfully Submitted

Kevin Roberto Cantu # 631930
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Only, TN 37140

NASHVILLE TN 370
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FEB 26 2025

TURNEY CENTER MAILROOM
ONLY TN 37140

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U.S. DISTRICT COURT
MIDDLE DISTRICT OF TN

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The Department of Corrections
has neither inspected
nor censored and is not
responsible for the contents
Turney Center Industrial Complex